

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-CR-190-1BR

UNITED STATES OF AMERICA

v.

MAURICE MONTRAE PARKS

ORDER

This matter is before the court on defendant's motion to dismiss, (DE # 43), to which the government has filed a response in opposition, (DE # 44). Defendant contends that his prosecution violates the double jeopardy clause because he has already been punished for the instant conduct in his earlier supervised release revocation proceeding. Defendant acknowledges, however, that Supreme Court and Fourth Circuit Court of Appeals precedent foreclose his argument, (see DE #43, at 3 ("Fourth Circuit and Supreme Court precedent have allowed exactly this type of double prosecution," relying on Johnson v. United States, 529 U.S. 694 (2000) and United States v. Woodrup, 86 F.3d 359 (4th Cir. 1996)), and that he raises the argument now purely to preserve the issue, (see id., at 2 n.2). Defendant's motion is DENIED.

This 16 January 2018.



W. Earl Britt
Senior U.S. District Judge